

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

Crl.MC.No. 2744 of 2007()

AGAINST THE JUDGEMENT/ORDER IN CRRP.942/2006 Dated 12/07/2006
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PETITIONER:

AUGUSTINE GEORGE,
NALLAMTHADAM HOUSE, CHENGALAM KARA,
CHENGALAM VILLAGE, KOTTAYAM DISTRICT.

BY ADV. SRI.C.K.PRASAD
SRI.ABHILASH S.FRANCIS

RESPONDENTS:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20/09/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J.

Crl.M.C.No.2744 of 2007

Dated this the 20th day of September 2007

O R D E R

The petitioner has been found guilty, convicted and sentenced in two separate prosecutions both under Section 138 of the Negotiable Instruments Act. The verdict of guilty, conviction and sentence have now become final with the orders passed by this court in two separate revision petitions. The sentences imposed on the petitioner have been indulgently modified in revision. He has been sentenced in both cases to undergo imprisonment till rising of court. He has been directed to pay compensation and in default to undergo imprisonment.

2. The amount to be paid as compensation in each case is only the cheque amount. That is Rs.6,00,000/- and Rs.20,00,000/- respectively. The default sentence to be undergone in each case is S.I for a period of three months. The petitioner was granted time to appear before the learned Magistrate till 14/6/2006 and 15/09/2006. Though a long period of time has elapsed, the petitioner has not paid the amounts to avoid the default sentences.

3. The petitioner has at this stage come to this court with a prayer that a direction may be issued for concurrent running of the default sentences imposed in the two cases. The learned counsel for the petitioner submits that the petitioner faces great financial difficulties and a direction for concurrency under Section 427 Cr.P.C is absolutely necessary. I shall assume for the sake of arguments that the default sentences can be directed to run concurrently in an appropriate case. But in the facts and circumstances of the cases referred above, I have absolutely no hesitation to hold that this is not a fit case where invoking the powers under Section 482 Cr.P.C, subsequent to the attainment finality of the orders in revision, this court must choose to direct concurrency of default sentence. No satisfactory reasons are shown to exist to justify such invocation of the extraordinary inherent jurisdiction. There is no failure or miscarriage of justice to prompt this court to invoke such jurisdiction.

4. This petition is in these circumstances dismissed.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007